

Executive Summary – Enforcement Matter – Case No. 47768
The Premcor Refining Group Inc.
RN102584026
Docket No. 2013-1862-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Valero Port Arthur, 1801 Gulfway Drive, Port Arthur, Jefferson County

Type of Operation:

Refinery

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2011-2300-AIR-E, 2013-2180-AIR-E, 2013-0839-AIR-E, and 2014-0465-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 9, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$55,063

Amount Deferred for Expedited Settlement: \$11,012

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$22,026

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$22,025

Name of SEP: Southeast Texas Regional Planning Commission

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Investigation Information

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Docket No. 2013-1862-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 14, 2013 to June 13, 2013 and September 6, 2013

Date(s) of NOE(s): August 29, 2013 and October 16, 2013

Violation Information

1. Failed to equip each sampling system connection with a closed-purged, closed-loop, or closed-vent system. Specifically, the sampling connections located in the central valve pump station are not closed-looped, closed-purged, or closed-vented [30 TEX. ADMIN. CODE §§ 101.20(1), (2), and (3), 113.340, 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS (“CFR”) §§ 60.482-5(a) and 63.648(a), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review (“NSR”) Permit Nos. 6825A, PSDTX49, and N65, Special Conditions (“SC”) No. 5.A., and Federal Operating Permit (“FOP”) No. O1498, General Terms and Conditions (“GTC”) and Special Terms and Conditions (“STC”) No. 18].

2. Failed to orientate the inlet/outlet sampling taps on the the cooling tower properly to obtain a representative sample as required by Appendix P of the TCEQ Sampling Procedures Manual. Specifically, the sampling location on the cooling tower in the Catalytic Reforming Unit (“CRU”) 1344 Unit appeared to be located on a dead leg and not on a return line header [30 TEX. ADMIN. CODE §§ 116.115(c), 101.20(3), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1498, GTC and STC No. 18, and NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 14.A].

3. Failed to comply with the emissions rate for volatile organic compounds (“VOC”). Specifically, Cooling Tower 136B (Emission Point Number F-136BCT) is permitted for 11.96 tons per year of VOC and from March 13, 2012 through June 1, 2012, approximately 15.7 tons of unauthorized VOC was released when a bundle in the cooling tower was leaking [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1498, GTC and STC No. 18, and NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1].

4. Failed to prevent unauthorized emissions. Specifically, the Respondent released 229.6 pounds (“lbs”) of sulfur dioxide (“SO₂”), 2.5 lbs of hydrogen sulfide (“H₂S”), 2.4 lbs of nitrogen oxides (“NO_x”), 17.2 lbs of carbon monoxide (“CO”) and 1.1 lbs of ethylene from FLARE-26 and 988.8 lbs of SO₂, 10.3 lbs of NO_x, 74.2 lbs of CO, 4.7 lbs of ethylene, and 10.7 lbs of H₂S from FLARE-23 during an emissions event (Incident No. 179750) on February 25, 2013 that lasted 51 minutes. The incident occurred because an unplanned maintenance event occurred on the D-2200 coke drum that caused the coke drum cycles to get out of sequence. During the preparation for blowdown of the D-2100 coke drum, excess foaming occurred, causing it to be sent to

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blowdown early. Opening D-2100 coke drum in the blowdown system while D-3200 coke drum was already in blowdown caused the system to overpressurize. The water seal blew causing flaring at Flares 23 and 26. Since the emissions event could have been avoided by better operation and/or maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), 101.20(3), and 122.143(4), TEX. HEALTH & SAFETY CODE 382.085(b), FOP No. O1498, GTC and STC No. 18, and NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. On April 30, 2013, a training document was issued to retrain operators regarding two coke drums in blowdown and eliminating blowing the water seal; and
- b. On September 11, 2013, emergency procedures were published to allow quenching two coke drums without flaring from the water seal drum and how to handle high coke drum level/pressure during the coking cycle by safely mitigating a high foam level and taking a coke drum to blowdown without flaring.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
2. The Order will also require the Respondent to:
 - a. Within 90 days:
 - i. Equip connectors in the central valve pump station with a closed-purged, closed-loop, or closed-vent system;
 - ii. Correctly place the CRU 1344 Unit cooling tower inlet/outlet sample taps to ensure a representative sample is obtained; and
 - iii. Demonstrate compliance with maximum allowable emission rates for VOC from Emission Point Number F-136BCT.
 - b. Within 105 days, submit written certification to demonstrate compliance with Ordering Provision a.

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RN102584026
Docket No. 2013-1862-AIR-E

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Katie Hargrove, Enforcement Division,
Enforcement Team 4, MC 149, (512) 239-2569; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-3565
Respondent: J. Greg Gentry, Vice President and General Manager, The Premcor
Refining Group Inc., 1801 Gulfway Drive, Port Arthur, Texas 77640
Respondent's Attorney: N/A

Attachment A
Docket Number: 2013-1862-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	The Premcor Refining Group Inc.
Penalty Amount:	Forty-Four Thousand Fifty-One Dollars (\$44,051)
SEP Offset Amount:	Twenty-Two Thousand Twenty-Five Dollars (\$22,025)
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Project Name:	<i>West Port Arthur Home Energy Efficiency Program - Lighthouse Program</i>
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *West Port Arthur Home Energy Efficiency Program - Lighthouse Program* Project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to hire a contractor to conduct initial inspections of eligible applicants' homes. The inspections will determine whether the home is in a condition suitable for weatherization and energy efficiency upgrades. Upgrades will not be completed at homes that need new roofs or significant foundation work. The contractor shall also determine what weatherization and energy efficiency upgrades are necessary and appropriate for the home and write a work plan. This contractor shall also conduct the final inspection of the home after the work is completed.

The Third-Party Administrator will conduct eligibility determinations to verify that participants own their homes and qualify as low-income. The Third-Party Administrator

The Premcor Refining Group Inc.
Agreed Order - Attachment A

will also prepare all contracts with contractors and homeowners; coordinate between the contractors and the homeowners to answer questions; ensure that work is done timely and properly; and arrange for any necessary repairs to new equipment under the 12-month warranty period after work is completed. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Implementation of this Project will benefit air by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and the nitrogen oxides associated with the combustion of fuel and the generation of electricity. Past energy audits have shown a 12-30% reduction in energy usages after completion of the weatherization and energy upgrades.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission
Attention: Pamela Lewis, Program Manager
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ.** Such statements include advertising, public relations, and press releases.

The Premcor Refining Group Inc.
Agreed Order - Attachment A

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES

Assigned

9-Sep-2013

PCW

14-Mar-2014

Screening

25-Sep-2013

EPA Due

26-May-2014

RESPONDENT/FACILITY INFORMATION

Respondent The Premcor Refining Group Inc.

Reg. Ent. Ref. No. RN102584026

Facility/Site Region 10-Beaumont

Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No. 47768

Docket No. 2013-1862-AIR-E

Media Program(s) Air

Multi-Media

No. of Violations 4

Order Type 1660

Government/Non-Profit No

Enf. Coordinator Katie Hargrove

EC's Team Enforcement Team 4

Admin. Penalty \$ Limit Minimum

\$0

Maximum

\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1

\$28,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

100.0%

Enhancement

Subtotals 2, 3, & 7

\$28,000

Notes

Enhancement for four NOVs with same or similar violations, seven agreed orders and one final judgement containing a denial of liability, and two agreed orders without a denial of liability. Reduction for seven notices of intent to conduct an audit, three disclosures of violations, and participation in an environmental management system.

Culpability

No

0.0%

Enhancement

Subtotal 4

\$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments

Subtotal 5

\$937

Economic Benefit

Total EB Amounts

\$1,129

Approx. Cost of Compliance

\$12,000

0.0% Enhancement*

*Capped at the Total EB \$ Amount

Subtotal 6

\$0

SUM OF SUBTOTALS 1-7

Final Subtotal

\$55,063

OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0%

Adjustment

\$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

\$55,063

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

\$55,063

DEFERRAL

20.0%

Reduction

Adjustment

-\$11,012

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$44,051

Screening Date 25-Sep-2013

Docket No. 2013-1862-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 3 (September 2011)

Case ID No. 47768

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator Katie Hargrove

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	4	20%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	7	140%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	7	-7%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	3	-6%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	Yes	-10%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 217%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for four NOVs with same or similar violations, seven agreed orders and one final judgement containing a denial of liability, and two agreed orders without a denial of liability. Reduction for seven notices of intent to conduct an audit, three disclosures of violations, and participation in an environmental management system.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 217%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 25-Sep-2013

Docket No. 2013-1862-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 3 (September 2011)

Case ID No. 47768

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator Katie Hargrove

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(1), (2), and (3), 113.340, 116.115(c), and 122.143(4), 40 Code of Federal Regulations ("CFR") §§ 60.482-5(a) and 63.648(a), Tex. Health & Safety Code § 382.085(b), New Source Review ("NSR") Permit Nos. 6825A, PSDTX49, and N65, Special Conditions ("SC") No. 5.A., and Federal Operating Permit ("FOP") No. O1498, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 18

Violation Description

Failed to equip each sampling system connection with a closed-purged, closed-loop, or closed-vent system. Specifically, the sampling connections located in the central valve pump station are not closed-looped, closed-purged, or close-vented.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2

134 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Two quarterly events are recommended based off the May 14, 2013 investigation start date to the September 25, 2013 screening date.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$400

Violation Final Penalty Total \$15,000

This violation Final Assessed Penalty (adjusted for limits) \$15,000

Economic Benefit Worksheet

Respondent The Premcor Refining Group Inc.

Case ID No. 47768

Reg. Ent. Reference No. RN102584026

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$3,500	14-May-2013	31-Dec-2014	1.63	\$19	\$381	\$400
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to equip sampling connections in the central valve pump station with a closed-purged, closed-loop, or closed-vent system. The date required is the investigation start date and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,500

TOTAL

\$400

Screening Date 25-Sep-2013

Docket No. 2013-1862-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 3 (September 2011)

Case ID No. 47768

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator Katie Hargrove

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c), 101.20(3), and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. 01498, GTC and STC No. 18, and NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 14.A.

Violation Description

Failed to orientate the inlet/outlet sampling taps on the the cooling tower properly to obtain a representative sample as required by Appendix P of the TCEQ Sampling Procedures Manual. Specifically, the sampling location on the cooling tower in the Catalytic Reforming Unit ("CRU") 1344 Unit appeared to be located on a dead leg and not on a return line header.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Release Actual			
Potential			x

Percent 7.0%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0.0%

Matrix Notes

Human health or the environment could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1

134 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,750

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$408

Violation Final Penalty Total \$3,500

This violation Final Assessed Penalty (adjusted for limits) \$3,500

Economic Benefit Worksheet

Respondent The Premcor Refining Group Inc.
Case ID No. 47768
Req. Ent. Reference No. RN102584026
Media Air
Violation No. 2

Percent Interest 5.0
Years of Depreciation 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$5,000	14-May-2013	31-Dec-2014	1.63	\$408	n/a	\$408
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to correctly place the CRU 1344 cooling tower inlet/outlet sample taps to ensure a representative sample. The date required is the investigation date and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$408

Screening Date 25-Sep-2013

Docket No. 2013-1862-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 3 (September 2011)

Case ID No. 47768

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator Katie Hargrove

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. 01498, GTC and STC No. 18, and NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1

Violation Description

Failed to comply with the emissions rate for volatile organic compounds ("VOC"). Specifically, Cooling Tower 136B (Emission Point Number F-136BCT) is permitted for 11.96 tons per year of VOC and from March 13, 2012 through June 1, 2012, approximately 15.7 tons of unauthorized VOC was released when a bundle in the cooling tower was leaking.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 2

47 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Two monthly events are recommended from the first day of emissions released on March 13, 2012 through the last day of emissions released on June 1, 2012.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$280

Violation Final Penalty Total \$30,000

This violation Final Assessed Penalty (adjusted for limits) \$30,000

Economic Benefit Worksheet

Respondent The Premcor Refining Group Inc.

Case ID No. 47768

Reg. Ent. Reference No. RN102584026

Media Air

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	13-Mar-2012	31-Dec-2014	2.80	\$280	n/a	\$280

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures to ensure compliance with the VOC annual emission rates. The date required is the first date of noncompliance and the final date is estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$280

Screening Date 25-Sep-2013

Docket No. 2013-1862-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 3 (September 2011)

Case ID No. 47768

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator Katie Hargrove

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F), 116.115(c), 101.20(3), and 122.143(4), Tex. Health & Safety Code 382.085(b), FOP No. 01498, GTC and STC No. 18, and NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 229.6 pounds ("lbs") of sulfur dioxide ("SO₂"), 2.5 lbs of hydrogen sulfide ("H₂S"), 2.4 lbs of nitrogen oxides ("NO_x"), 17.2 lbs of carbon monoxide ("CO"), and 1.1 lbs of ethylene from FLARE-26 and 988.8 lbs of SO₂, 10.3 lbs of NO_x, 74.2 lbs of CO, 4.7 lbs of ethylene, and 10.7 lbs of H₂S from FLARE-23 during an emissions event (Incident No. 179750) on February 25, 2013 that lasted 51 minutes. The incident occurred because an unplanned maintenance event occurred on the D-2200 coke drum that caused the coke drum cycles to get out of sequence. During the preparation for blowdown of the D-2100 coke drum, excess foaming occurred, causing it to be sent to blowdown early. Opening D-2100 coke drum in the blowdown system while D-3200 coke drum was already in blowdown caused the system to overpressurize. The water seal blew causing flaring at Flares 23 and 26. Since the emissions event could have been avoided by better operation and/or maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$937

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent completed corrective actions on September 11, 2013 before the NOE was issued on October 16, 2013.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$41

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

Economic Benefit Worksheet

Respondent The Premcor Refining Group Inc.
Case ID No. 47768
Reg. Ent. Reference No. RN102584026
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	25-Feb-2013	11-Sep-2013	0.54	\$41	n/a	\$41

Notes for DELAYED costs

Estimated costs to publish emergency procedures and training documents to prevent another occurrence of this type of emissions event. The Date Required is the date of the emissions event and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$41



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN601420748, RN102584026, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator:	CN601420748, The Premcor Refining Group Inc.	Classification: SATISFACTORY	Rating: 41.48
Regulated Entity:	RN102584026, VALERO PORT ARTHUR REFINERY	Classification: SATISFACTORY	Rating: 55.00
Complexity Points:	30	Repeat Violator:	NO
CH Group:	02 - Oil and Petroleum Refineries		
Location:	1801 GULFWAY DR PORT ARTHUR, TX 77640-4416, JEFFERSON COUNTY		
TCEQ Region:	REGION 10 - BEAUMONT		

ID Number(s):

AIR OPERATING PERMITS PERMIT 3423	AIR OPERATING PERMITS ACCOUNT NUMBER JE0042B
AIR OPERATING PERMITS PERMIT 1498	AIR OPERATING PERMITS PERMIT 2227
AIR OPERATING PERMITS PERMIT 2228	AIR OPERATING PERMITS PERMIT 2229
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD008090409	INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30004
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50350	AIR NEW SOURCE PERMITS REGISTRATION 17038
AIR NEW SOURCE PERMITS PERMIT 6825A	AIR NEW SOURCE PERMITS REGISTRATION 12454A
AIR NEW SOURCE PERMITS REGISTRATION 12553A	AIR NEW SOURCE PERMITS REGISTRATION 13635A
AIR NEW SOURCE PERMITS REGISTRATION 13698A	AIR NEW SOURCE PERMITS REGISTRATION 28778
AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0042B	AIR NEW SOURCE PERMITS AFS NUM 4824500004
AIR NEW SOURCE PERMITS EPA PERMIT N65	AIR NEW SOURCE PERMITS PERMIT 80812
AIR NEW SOURCE PERMITS REGISTRATION 84929	AIR NEW SOURCE PERMITS REGISTRATION 84905
AIR NEW SOURCE PERMITS PERMIT 86757	AIR NEW SOURCE PERMITS REGISTRATION 87917
AIR NEW SOURCE PERMITS REGISTRATION 91727	AIR NEW SOURCE PERMITS REGISTRATION 91911
AIR NEW SOURCE PERMITS REGISTRATION 94365	AIR NEW SOURCE PERMITS EPA PERMIT PSDTX49M1
AIR NEW SOURCE PERMITS REGISTRATION 103875	AIR NEW SOURCE PERMITS REGISTRATION 112591
AIR NEW SOURCE PERMITS REGISTRATION 109221	AIR NEW SOURCE PERMITS REGISTRATION 114829
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30004	AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0042B
POLLUTION PREVENTION PLANNING ID NUMBER P00987	

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: December 20, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 20, 2008 to December 20, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Katie Hargrove

Phone: (512) 239-2569

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |
| 3) If YES for #2, who is the current owner/operator? | N/A |
| 4) If YES for #2, who was/were the prior owner(s)/operator(s)? | N/A |
| 5) If YES , when did the change(s) in owner or operator | N/A |

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 01/30/2009 ADMINORDER 2007-1455-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov:O-01498, General Terms and Conditions OP
Description: Failure to properly report an emissions event.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov:6825A/PSD-TX-49, Special Condition 5A PERMIT
O-01498, General Terms and Conditions OP
O-01498, Special Condition 18A OP
Description: Failure to prevent unauthorized emissions.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov:7600A, Special Condition 1 PERMIT
O-01498, General Terms and Conditions OP
O-01498, Special Condition 18A OP
Description: Failure to properly operate Tank 283 and Tank 284.
- 2 Effective Date: 02/22/2009 ADMINORDER 2008-0742-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)
5C THSC Chapter 382 382.085(b)
Description: Failure to submit a final report in a timely manner.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:6825A/PSD-TX-49, SPECIAL CONDITION 5A PERMIT
O-01498, SPECIAL CONDITION 18 OP
Description: Failure to maintain an emission rate below the allowable emission limit.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:6825A / PSD-TX-49, Special Condition 5A PERMIT
O-01498, General Terms and Conditions OP
Description: Failure to maintain emission rates below the allowable emission limits.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
5C THSC Chapter 382 382.085(b)
Description: Failure to properly report an emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 111, SubChapter A 111.111(a)(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, Special Condition 5A PERMIT
O-01498, General Terms and Conditions OP

Description: Failure to maintain emission rates below the allowable emission limits

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, Special Condition 5A PERMIT
O-01498, General Terms and Conditions OP

Description: Failure to maintain an emission rate below the allowable emission limit.

3 Effective Date: 06/01/2009 ADMINORDER 2008-1043-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT
O-01498, GENERAL CONDITIONS OP

Description: Failed to prevent the release of unauthorized contaminants into the atmosphere.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT
O-01498, GENERAL CONDITIONS OP

Description: Failed to prevent the release of unauthorized contaminants into the atmosphere.

4 Effective Date: 08/31/2009 ADMINORDER 2009-0151-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT
O-01498, GENERAL CONDITIONS OP

Description: Failed to prevent unauthorized emissions during Incident No. 108928.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT
O-01498, GENERAL CONDITIONS OP

Description: Failed to prevent unauthorized emissions during Incident No. 111065.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT
O-01498, GENERAL CONDITIONS OP

Description: Failed to prevent unauthorized emissions during Incident No. 113023.

5 Effective Date: 09/23/2009 COURTORDER (Final Judgement-Agreed Order With Denial)

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about April 4, 2003, referred to as investigation no. 28570. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 44442, 44448, 44454, 44459, 44462, 44472, 44477, 44496, 44498, 44512, 44517, 44519, 44532, 44535, 44550, 44557

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Flexible Permit 6825A, SC 5B PERMIT

PSD-TX-49, SC 5B PERMIT

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Standard Exemption No. 88 PA

Description: Failure to satisfy the condition of a standard exemption.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Standard Exemption 88 PA

Description: Failure to meet the conditions of a standard exemption.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov:Flexible Permit 6825A, SC 5B PERMIT

PSD-TX-49, SC 5B PERMIT

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Standard Exemption 88 PA

Description: Failure to meet the conditions of a standard exemption.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Flexible Permit 6825A, SC 5B PERMIT

PSD-TX-49, SC 5B PERMIT

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Standard Exemption 88 PA

Description: Failure to meet the conditions of a standard exemption.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:5215A, SC1 PERMIT

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Flexible Permit 6825A, SC 5B PERMIT

PSD-TX-49, SC 5B PERMIT

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Flexible Permit 6825A, SC19 PERMIT

PSD-TX-49, SC 19 PERMIT

Description: Failure to comply with requirements of a permit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov:Flexible Permit, 6825A SC 5B PERMIT
PSD-TX-49, SC5B PERMIT
Description: Failure to maintain emission rate below allowable limit.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov:Flexible permit 6825A, SC 5B PERMIT
PSD-TX-49, SC 5B PERMIT
Description: Failure to maintain emission rate below allowable limit.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov:Flexible Permit 6825A, SC 5B PERMIT
PSD-TX-49, SC 5B PERMIT

Description: Failure to maintain emission rate below allowable limit.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Standard Exemption No. 88 PA
Description: Failure to satisfy the condition of a standard exemption.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Standard Exemption No. 88 PA
Description: Failure to meet the conditions of a standard exemption.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Flexible Permit 6825A, SC 5B PERMIT
PSD-TX-49, SC 5B PERMIT

Description: Failure to maintain emission rate below allowable limit.
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.110(a)(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Flexible Permit 6825A, SC 5B PERMIT
PSD-TX-49, SC 5 PERMIT
Standard Exemption No. 88 PA

Description: Failure to maintain emission rate below allowable limit and meet the conditions of a standard exemption.
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Flexible Permit 6825A, SC 5B PERMIT
PSD-TX-49, SC 5B PERMIT

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(7)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to report an upset within 24 hours of the event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

30 TAC Chapter 101, SubChapter F 101.201(b)(4)

30 TAC Chapter 101, SubChapter F 101.201(b)(8)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)

30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

30 TAC Chapter 101, SubChapter F 101.201(b)(4)

30 TAC Chapter 101, SubChapter F 101.201(b)(8)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

30 TAC Chapter 101, SubChapter F 101.201(b)(4)

30 TAC Chapter 101, SubChapter F 101.201(b)(8)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

30 TAC Chapter 101, SubChapter F 101.201(b)(4)

30 TAC Chapter 101, SubChapter F 101.201(b)(8)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

30 TAC Chapter 101, SubChapter F 101.201(b)(4)

30 TAC Chapter 101, SubChapter F 101.201(b)(8)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

30 TAC Chapter 101, SubChapter F 101.201(b)(4)

30 TAC Chapter 101, SubChapter F 101.201(b)(8)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for an emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for an emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for an emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for an emissions event.

Failure to report all information required for emissions event.

Failure to report all information required for emissions event.

Failure to report all information required for emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for an emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)

Description: Failure to report all information required for an emissions event.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about August 12, 1998. By an August 31, 1998 letter to the Defendants, The TCEQ listed the violations observed during the investigation. A copy of the August 12, 1998 investigation, without attachments, is attached as Appendix A and incorporated herein for all purposes

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about March

12, 1999. By a March 22, 1999 letter to the Defendants, the TCEQ listed the violations observed during the investigation. A copy of the March 22, 1999, letter to the Defendants is attached as Appendix C and incorporated herein for all purposes.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about June 17, 1999. The TCEQ describes the violation observed during the investigation in a July 9, 1999, Enforcement Action Referral. A copy of the July 9, 1999, Enforcement Action Referral, without attachments, is attached as Appendix D and incorporated herein for all purposes.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in investigations conducted at the Port Arthur, Texas refinery on or about June 14, 1999 and August 4, 1999. By June 30, 1999 and August 24, 1999, letters to the Defendants, the TCEQ listed the violations observed during the two investigations. A copy of the June 14, 1999 investigation, without attachments, is attached as Appendix E and incorporated

Classification: Minor

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:SC39A PERMIT

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about July 20, 2000. By a September 7, 2000, letter to the Defendants, the TCEQ listed the violations observed during the investigation. A copy of the July 20, 2000 investigation, without attachments, is attached as Appendix I and incorporated herein for all purposes . . .

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:NA PERMIT

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in investigations conducted at the Port Arthur, Texas refinery on or about November 3, 2000, and March 26, 2001. By April 21, 2001 letter to the Defendants, the TCEQ listed the violations observed during the investigation. A copy of the November 3, 2000 investigation, without attachments, is attached as Appendix K and incorporated herein for all purposes

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about April 3, 2001. By April 24, 2001 letter to the Defendants, the TCEQ listed the violation observed during the investigation. A copy of the April 3, 2001 investigation, without attachments, is attached as Appendix N and incorporated herein for all purposes

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about November 12, 2003, referred to as investigation no. 258663. The investigation describes the violation in narrative form and identifies the violation by tracking number 150854 in the investigation. A copy of investigation no. 258663, without attachments

Classification: Minor

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about April 20, 2004 referred to as investigation no. 270296. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 161061 and 161062 in the investigation. A copy of investigation no. 270296, without attachments

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Permit 6825A Special Condion 5B PA

PSD-TX-49 Special Condion 5B PA

Description: Failure to prevent unauthorized emissions release at the facility.

Classification: Minor

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about January 20, 2005, referred to as investigation no. 276009. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 188937, 188938, 188940, 188941, 188942, 188943, 188944, 188945,

188946, 188947, 188948, 188949, 188950, and . . .

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 25A PERMIT

Description: Failure to prevent visible emissions at the Atmospheric Vacuum Unit (AVU)-146 H-101 Heater.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT

Description: Failure to maintain an emission rate below the emission cap's hourly contribution limit.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(7)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the regional office of a reportable emissions event, which began on April 14, 2004 (STEERS Incident 37961).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly identify authorized emissions limits for an emissions event, which began on April 14, 2004 (STEERS Incident 37961).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT

Description: Failure to maintain an emission rate below the emission cap limits.

Failure to maintain an emission rate below the emission cap limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(7)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the regional office of a reportable emissions event, which began on April 14, 2004 (STEERS Incident 37962).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly identify authorized emissions limits for an emissions event, which began on April 14, 2004 (STEERS Incident 37962).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT

Description: Failure to maintain an emission rate below the emission cap limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the regional office of a reportable emissions event, which began on April 14, 2004 (STEERS Incident 38022).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly identify authorized emissions limits for an emissions event, which began on April 14, 2004 (STEERS Incident 38022).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT

Description: Failure to maintain an emission rate below the emission cap limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the regional office of a reportable emissions event, which began on April 14, 2004 (STEERS Incident 38026).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT

Description: Failure to maintain an emission rate below the emission cap's hourly contribution limit.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about January 24, 2005, referred to as investigation no. 346253. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 190534, 190543, 190551, and 190558 in the investigation. A copy of investigation no. 346253, without attachments . . .

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Permit 6825A, PSD-TX-49, SC 5A PA

Description: Failure to prevent unauthorized emissions from the Atmospheric Vacuum Unit (AVU) 146 during incident No. 32824.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report an emission event (Incident No. 33539) within 24 hours

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Permit 6825A, PSD-TX-49, SC 17C PA

Permit 6825A, PSD-TX-49, SC 5A PA

Description: Failure to prevent unauthorized emissions from the Scot 1 Incinerator during incident No. 33539 and failure to continuously monitor from hydrocarbon layer thickness by electronic gauge.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about April 8, 2005, referred to as investigation no. 348169. The investigation describes the violations in narrative form and identifies the violation by tracking numbers 208879 in the investigation. A copy of investigation no. 348169, without attachments, is attached as Appendix U

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to

implement the TCAA, as documented in an investigation the Port Arthur, Texas refinery on or about June 30, 2005, referred to as investigation no. 396901. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 210570 and 210577 in the investigation. A copy of investigation no. 396901, without attachments, is attached as Appendix V

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:6825A/PSD-TX-49 PERMIT

Description: Failure to prevent unauthorized emissions during Incident Nos. 40540, 40543, 51468, and 53830.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation the Port Arthur, Texas refinery on or about July 27, 2005, referred to as investigation no. 402102. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 212393 and 212460 in the investigation. A copy of investigation no. 402102, without attachments, is attached as Appendix X and incorpo

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:6825A/PSD-TX-49 PERMIT

Description: Failure to prevent unauthorized emissions during Incident Nos. 51075, 51078, 51081, 51084, and 51087.

Classification: Minor

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation the Port Arthur, Texas refinery on or about July 26, 2005, referred to as investigation no. 403310. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 213083, 213088, and 213090 in the investigation. A copy of investigation no. 403310, without attachments

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 101, SubChapter F 101.211(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit an initial notification for an emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation the Port Arthur, Texas refinery on or about August 8, 2005, referred to as investigation no. 337449. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 214475 and 214478 in the investigation. A copy of investigation no. 337449, without attachments, is attached as Appendix Y

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(9)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain the CO 9 Boiler bypass valve to prevent unauthorized emissions during normal operation from April 2004 to the end of February 2005. B13

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation the Port Arthur, Texas refinery on or about August 29, 2005, referred to as investigation no. 418593. The investigation describes the violations in narrative form and identifies the violations by tracking number 218082 in the investigation. A copy of investigation no. 418593, without attachments, is

attached as Appendix Z and

- 6 Effective Date: 03/20/2010 ADMINORDER 2009-0511-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 116, SubChapter G 116.715(c)(7)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
Rqmt Prov:6825A/PSD-TX-49 PERMIT
 O-01498 OP
Description: Failure to maintain an emission rate below the allowable emission limits.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 116, SubChapter G 116.715(c)(7)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT
 O-01498, GENERAL CONDITIONS OP

Description: Failure to maintain an emission rate below the allowable emission limits.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 116, SubChapter G 116.715(c)(7)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT
 O-01498, GENERAL CONDITIONS OP

Description: Failure to maintain an emission rate below the allowable emission limits.
- 7 Effective Date: 11/18/2011 ADMINORDER 2010-0909-MLM-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 116, SubChapter G 116.715(c)(7)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
Rqmt Prov:FOP O1498, GTC OP
 FOP O1498, STC 18 OP
 NSR Permit 6825A, SC 1 PERMIT
Description: Failed to prevent unauthorized emissions at the Port Arthur Refinery.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)
 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
Rqmt Prov:FOP O1498 OP
 FOP O1498, GTC OP
Description: Failed to submit an initial report within 24 hours for Incident No. 134571 at the Port Arthur Refinery.
Specifically, the incident occurred on January 15, 2010 at 5:51 p.m., but was not reported until January 18, 2010 at 9:20 a.m.
- 8 Effective Date: 02/18/2012 ADMINORDER 2011-1355-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
Rqmt Prov:FOP O1498 STC 18 OP

FOP 01498, General Terms and Conditions OP
NSR Permit 6825A, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.4(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP 02228 OP

FOP 02228, STC 14 OP

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.4(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP 02228, General Terms and Conditions OP

FOP 02228, STC 14 OP

Description: Failed to prevent unauthorized emissions.

See addendum for information regarding federal actions.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	February 18, 2009	(726815)
Item 2	March 03, 2009	(736950)
Item 3	March 05, 2009	(737300)
Item 4	March 20, 2009	(739247)
Item 5	April 02, 2009	(741291)
Item 6	June 29, 2009	(760309)
Item 7	August 26, 2009	(763057)
Item 8	August 28, 2009	(761367)
Item 9	August 31, 2009	(762200)
Item 10	October 07, 2009	(775036)
Item 11	October 13, 2009	(766946)
Item 12	October 14, 2009	(767494)
Item 13	November 06, 2009	(764488)
Item 14	December 09, 2009	(784945)
Item 15	December 11, 2009	(783903)
Item 16	December 21, 2009	(781035)
Item 17	December 23, 2009	(785403)
Item 18	January 29, 2010	(786198)
Item 19	February 01, 2010	(788081)
Item 20	March 19, 2010	(795261)
Item 21	May 06, 2010	(800545)
Item 22	May 24, 2010	(801617)
Item 23	June 01, 2010	(788840)
Item 24	June 02, 2010	(803054)
Item 25	June 07, 2010	(825637)
Item 26	June 11, 2010	(824255)
Item 27	August 02, 2010	(842714)
Item 28	November 15, 2010	(871779)
Item 29	November 30, 2010	(872652)
Item 30	April 15, 2011	(906545)
Item 31	October 25, 2011	(956400)
Item 32	October 29, 2011	(956377)

Item 33	November 02, 2011	(951193)
Item 34	November 29, 2011	(963859)
Item 35	January 17, 2012	(976419)
Item 36	February 17, 2012	(983674)
Item 37	February 21, 2012	(987303)
Item 38	March 16, 2012	(994426)
Item 39	March 23, 2012	(988369)
Item 40	April 30, 2012	(988371)
Item 41	May 17, 2012	(995645)
Item 42	August 07, 2012	(1019646)
Item 43	August 14, 2012	(1023815)
Item 44	August 28, 2012	(1023318)
Item 45	September 11, 2012	(1023427)
Item 46	October 11, 2012	(1036849)
Item 47	October 13, 2012	(1028000)
Item 48	October 15, 2012	(1036124)
Item 49	November 20, 2012	(1042742)
Item 50	February 20, 2013	(1051546)
Item 51	April 30, 2013	(1086243)
Item 52	August 08, 2013	(1109778)
Item 53	August 17, 2013	(1113514)
Item 54	August 26, 2013	(1113154)
Item 55	August 27, 2013	(1115289)
Item 56	October 30, 2013	(1123618)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date: 05/09/2013 (1076957)	CN601420748
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Condition 14B PERMIT Special Condition 18 OP	
	Description: Failure to sample the cooling water for total dissolved solids (TDS).	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 113, SubChapter C 113.780 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1568(a)(1) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Condition 18 OP Special Condition 1A OP Special Condition 3A PERMIT Special Condition 5B PERMIT	
	Description: Failure to maintain the 12-hour average concentration of Sulfur Dioxide (SO2) at or below 250 ppmv as reported in the FOP O-2229 semi-annual deviation report for the reporting period of January 1, 2012, through December 31, 2012.	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Condition 18 OP Special Condition 25C PERMIT	
	Description: Failure to limit the refinery fuel gas to no more than 10 grains total sulfur per dry standard cubic feet (dscf) or 160 ppmv on a 1-hour rolling average as reported in the FOP O-2229 semi-annual deviation reports for the reporting periods of	

January 1, 2012, through June 30, 2012, and July 1, 2012, through December 31, 2012.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085
General Terms and Conditions OP
Special Condition 18 OP
Special Condition 1A OP
Special Condition 46E PERMIT
Special Condition 5A PERMIT

Description: Failure to install a cap, blind flange, plug, or second valve on open-ended lines (OELs) as reported in the deviation reports for FOPs O-02229 covering the reporting periods of July 1, 2012, through December 31, 2012.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 18 OP

Special Condition 1A OP
Special Condition 46F PERMIT
Special Condition 5A PERMIT

Description: Failure to monitor a valve in VOC service as reported in the deviation reports for FOP O-02229 covering the reporting period of July 1, 2012, through December 31, 2012.

2

Date: 08/29/2013 (1104962) CN601420748

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 18 OP
Special Condition 42F PERMIT

Description: Failure to limit Continuous Emission Monitoring System (CEMS) downtime to less than 5% as reported in the Federal Operating Permit (FOP) O-01498 semi-annual deviation reports for the reporting periods of January 1, 2012, through June 30, 2012, and July 1, 2012, through December 31, 2012.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 18 OP
Special Condition 1A OP
Special Condition 6B PERMIT

Description: Failure to operate a flare with a flame present at all times and to continuously monitor the pilot flame by thermocouple or infrared monitor as reported in the FOP O-01498 semi-annual deviation reports for the reporting periods of January 1, 2012, through June 30, 2012, and July 1, 2012, through December 31, 2012.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085
General Terms and Conditions OP
Special Condition 18 OP
Special Condition 46E PA
Special Condition 5A PA
Special Conditions 1A OP

Description: Failure to install a plug, cap, or blind on an open-ended line for the FOP O-01498 as reported in the FOP O-01498 semi-annual deviation report for the reporting period of January 1, 2012, through June 30, 2012, and July 1, 2012, through December 31, 2012.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.100
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 18 OP
Special Condition 1A OP
Special Condition 6A PERMIT

Description: Failure to maintain the net heating value of the flare gas above 300 British Thermal Units (BTU) per standard cubic feet (SCF) as reported in the FOP O-01498 semi-annual deviation report for the reporting period of January 1, 2012, through June 30, 2012.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 18 OP
Special Condition 25C PERMIT

Description: Failure to limit the refinery fuel gas to no more than 10 grains total sulfur per dry standard cubic feet (dscf) or 160 ppmv on a 1-hour rolling average as reported in the FOP O-01498 semi-annual deviation reports for the reporting periods of January 1, 2012, through June 30, 2012, and July 1, 2012, through December 31, 2012.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
General Terms and Conditions OP
Special Condition 18 OP
Special Condition 23B PERMIT

Description: Failure to maintain the tail gas incinerator (TGI) Hydrogen Sulfide (H2S) concentrations below 5.0 parts per million (ppm) at 3% Oxygen as reported in the FOP O-01498 semi-annual deviation report for the reporting period of January 1, 2012, through June 30, 2012.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 18 OP
Special Condition 3A PERMIT

Description: Failure to install, operate, calibrate, and maintain an instrument for continuously monitoring and recording the concentration of NOx emissions into the atmosphere as reported in the FOP O-01498 semi-annual deviation report for the reporting period of July 1, 2012, through December 31, 2012.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.780

30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1568(a)(1)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 18 OP
 Special Condition 5B PERMIT
 Description: Failure to limit the Sulfur Dioxide (SO₂) concentration at or below 250 ppmv at zero percent excess air as reported in the FOP O-01498 semi-annual deviation report for the reporting period of July 1, 2012, through December 31, 2012.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 60, Subpart J 60.103
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 18 OP
 Special Condition 3A PERMIT
 Description: Failure to comply with the Carbon Monoxide (CO) emission standard of 500 ppm per 1-hour as reported in the FOP O-01498 semi-annual deviation report for the reporting period of July 1, 2012, through December 31, 2012.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 18 OP
 Special Condition 24C PERMIT
 Description: Failure to maintain the NO_x emissions from the Hydrocracker Unit furnace as reported as reported in the FOP O-01498 semi-annual deviation report for the reporting period of July 1, 2012, through December 31, 2012.

3 Date: 11/22/2013 (1124668) CN601420748
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(i)(C)
 5C THSC Chapter 382 382.085(b)
 General Terms and Condition OP
 Special Condition 14 OP
 Special Condition 1A OP
 Description: Failure to maintain the temperature of the Regenerative Thermal Oxidizer (RTO) in the Waste Water Treatment Unit (WWTU) above 1400 F on April 14, 2013, from 1300 hours to 1500 hours.

4 Date: 11/26/2013 (1133465)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.4
 5C THSC Chapter 382 382.085(b)
 Description: Failure to prevent nuisance conditions.

F. Environmental audits:

Notice of Intent Date: 01/10/2008 (616179)
 Disclosure Date: 01/28/2009
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1(a)
 Description: Failure to identify and monitor all new equipment added or incorporated into the LDAR program.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 40 CFR Part 60, Subpart VV 60.482-6
 40 CFR Part 63, Subpart H 63.167
 Description: Failure to equip open-ended line with a cap, blind flange, or second valve.
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)

Description: Failure to repair leaks within 15 days after detection, and make first attempt at repairs no later than 5 days.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(f)(2)

Description: Failure to develop a difficult-to-monitor valve monitoring plan.

Viol. Classification: Moderate

Citation: 40 CFR Part 60, Subpart VV 60.482-8
40 CFR Part 63, Subpart H 63.169

Description: Failure to monitor components in heavy liquid service using Method 21 within 5 days of detecting a leak by AVO methods.

Viol. Classification: Moderate

Citation: 40 CFR Part 60, Subpart VV 60.482-9
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(5)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(6)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(7)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(8)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(9)

Description: Failure to repair or replace components during a process unit shutdown, and some delay and repair records were not consistently documented, including not identifying a DOR reason or not signing the DOR.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)

Description: Failure to properly use 40 CFR 60 Appendix A - Method 21 to identify leaking sources, valves, and pumps.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(e)

Description: Failure to maintain documentation of a signed list of no detectable emission equipment.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)

Description: Failure to include in the semiannual reports the number of non-repaired components or the facts explaining delay of repair for newly designed DOR components, or to report the data by the month.

Notice of Intent Date: 08/21/2009 (775707)

Disclosure Date: 09/08/2010

Viol. Classification: Moderate

Citation: 40 CFR Chapter 122, SubChapter D, PT 122, SubPT C 122.41(a)

Rqmt Prov: PERMIT TPDES Permit # 00309, Pg 20, Cond. 10

Description: Failure to notify the regulatory agency of azure blue dye use. Azure blue dye was being used to treat the tertiary treatment pond, to limit algae growth, without the permit required notifications to the regulatory agency. An initial notification of application was submitted on March 8, 2007 but no further notifications have been made. Dye application typically ends in the Fall, and resumes each Spring. Notifications were not made in 2008 or 2009.

Viol. Classification: Minor

Citation: 40 CFR Chapter 110, SubChapter D, PT 110 112.5(b)

Description: Failed to sign or date the SPCC Plan Form. Figure E-2 of the SPCC Plan contained an "Acknowledgement of SPCC Review" but the form was not signed or dated.

Viol. Classification: Major

Citation: 40 CFR Chapter 122, SubChapter D, PT 122, SubPT B 122.26

Rqmt Prov: PERMIT TPDES Permit # 00309, Condition 9

Description: Failed to implement a SWP3 plan for 7 demolition projects. These projects include the MEK Unit, Pump House #1, Decoker, 9 CO Boiler and Precipitator, 11 Boiler House, 11 Warehouse and the ISOM Unit. Field visits indicated that all the projects had been completed with the exception of the MEK Unit and Boiler House No. 11 projects which are in progress. An expansion project began in the 3rd Quarter, 2007 but no plan was implemented until November, 2008. A final plan was dated February 6, 2009

Notice of Intent Date: 02/18/2011 (905312)

No DOV Associated

Notice of Intent Date: 06/10/2011 (934095)

No DOV Associated

Notice of Intent Date: 01/19/2012 (988335)

No DOV Associated

Notice of Intent Date: 05/01/2012 (1014133)

No DOV Associated

Notice of Intent Date: 10/17/2012 (1058561)

Disclosure Date: 01/28/2013

Viol. Classification: Minor

Citation: 40 CFR Part 61, Subpart FF 61.356(f)(2)(i)(G)

Description: Failed to be able to locate a certification letter and corresponding design calculation for a carbon adsorption system commissioned on an oil water sump at RSU 1747.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1574(f)

Description: Failed to have an operation, maintenance and monitoring plan for the bypass lines on SRU-54. The lines are HV-1806 for SRU-545 and HV-2682 for SRU-546.

Notice of Intent Date: 07/25/2013 (1105606)

No DOV Associated

G. Type of environmental management systems (EMSs):

1 ENVIRONMENTAL MANAGEMENT SYSTEM NON 30 TAC CH 90 CERTIFIED

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: THE PREMCOR REFINING GROUP INC

Reg Entity Add: 1801 SOUTH GULFWAY DRIVE

Reg Entity City: PORT ARTHUR

Reg Entity No: RN102584026

Customer Name: The premcor Refining Group, Inc.

Customer No: CN601420748

EPA Case No: 06-2013-0905

Order Issue Date (yyyymmdd): 20130401

Case Result:

Statute: RCRA

Sect of Statute: 3013

Classification: Minor

Program: Solid Waste Managemen

Citation:

Violation Type:

Cite Sect:

Cite Part:

Enforcement Action: Administrative Compliance Order

Customer Name: Valero Energy Corporation

Customer No: CN600127468

EPA Case No: 06-2011-0975

Order Issue Date (yyyymmdd): 20111118

Case Result:

Statute: RCRA

Sect of Statute: 3013

Classification: Minor

Program: RCRA Corrective Action

Citation:

Violation Type:

Cite Sect:

Cite Part:

Enforcement Action: Administrative Compliance Orders

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
THE PREMCOR REFINING
GROUP INC.
RN102584026**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2013-1862-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding The Premcor Refining Group Inc. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a refinery at 1801 Gulfway Drive in Port Arthur, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about September 3, 2013 and October 21, 2013.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Fifty-Five Thousand Sixty-Three Dollars (\$55,063) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty-Two Thousand Twenty-Six Dollars (\$22,026) of the administrative penalty and Eleven Thousand Twelve Dollars (\$11,012) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Twenty-Two Thousand Twenty-Five Dollars (\$22,025) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On April 30, 2013, a training document was issued to retrain operators regarding two coke drums in blowdown and eliminating blowing the water seal; and
 - b. On September 11, 2013, emergency procedures were published to allow quenching two coke drums without flaring from the water seal drum and how to handle high coke drum level/pressure during the coking cycle by safely mitigating a high foam level and taking a coke drum to blowdown without flaring.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to equip each sampling system connection with a closed-purged, closed-loop, or closed-vent system, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), (2), and (3), 113.340, 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") §§ 60.482-5(a) and 63.648(a), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review ("NSR") Permit Nos. 6825A, PSDTX49, and N65, Special Conditions ("SC") No. 5.A., and Federal Operating Permit ("FOP") No. 01498, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 18, as documented during an investigation conducted on May 14, 2013 to June 13, 2013. Specifically, the sampling connections located in the central valve pump station are not closed-looped, closed-purged, or close-vented.
2. Failed to orientate the inlet/outlet sampling taps on the the cooling tower properly to obtain a representative sample as required by Appendix P of the TCEQ Sampling Procedures Manual, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c), 101.20(3), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. 01498, GTC and STC No. 18, and NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 14.A., as documented during an investigation conducted on May 14, 2013 to June 13, 2013. Specifically, the sampling location on the cooling tower in the Catalytic Reforming Unit ("CRU") 1344 Unit appeared to be located on a dead leg and not on a return line header.
3. Failed to comply with the emissions rate for volatile organic compounds ("VOC"), in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. 01498, GTC and STC No. 18, and NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1, as documented during an investigation conducted on May 14, 2013 to June 13, 2013. Specifically, Cooling Tower 136B (Emission Point Number F-136BCT) is permitted for 11.96 tons per year of VOC and from March 13, 2012 through June 1, 2012, approximately 15.7 tons of unauthorized VOC was released when a bundle in the cooling tower was leaking.
4. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), 101.20(3), and 122.143(4), TEX. HEALTH & SAFETY CODE 382.085(b), FOP No. 01498, GTC and STC No. 18, and NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1, as documented during an investigation conducted on September 6, 2013. Specifically, the Respondent released 229.6 pounds ("lbs") of sulfur dioxide ("SO₂"), 2.5 lbs of hydrogen sulfide ("H₂S"), 2.4 lbs of nitrogen oxides ("NO_x"), 17.2 lbs of carbon monoxide ("CO") and 1.1 lbs of ethylene from FLARE-26 and 988.8 lbs of SO₂, 10.3 lbs of NO_x, 74.2 lbs of CO, 4.7 lbs of ethylene, and 10.7 lbs of H₂S from FLARE-23 during an emissions event (Incident No. 179750) on February 25, 2013 that lasted 51 minutes. The incident occurred because an unplanned maintenance event occurred on the D-2200 coke drum that caused the coke drum cycles to get out of sequence. During the preparation for blowdown of the D-2100 coke drum, excess foaming occurred, causing it to be sent to blowdown early. Opening D-2100 coke drum in the blowdown system while D-3200 coke drum was already in blowdown caused the system to overpressurize. The water seal blew causing flaring at Flares 23 and 26. Since the emissions event could have been avoided by better operation and/or maintenance

practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: The Premcor Refining Group Inc., Docket No. 2013-1862-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 (Jurisdiction and Stipulations) above, Twenty-Two Thousand Twenty-Five Dollars (\$22,025) of the assessed administrative penalty shall be offset with the condition that the Respondent implements the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 90 days after the effective date of this Agreed Order:
 - i. Equip connectors in the central valve pump station with a close-purged, closed-loop, or closed-vent system;
 - ii. Correctly place the CRU 1344 Unit cooling tower inlet/outlet sample taps to ensure a representative sample is obtained; and
 - iii. Demonstrate compliance with maximum allowable emission rates for VOC from Emission Point Number F-136BCT, in accordance with NSR Permit Nos. 6825A, PSDTX49, and N65.

- b. Within 105 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not

effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Davis
For the Executive Director

6/4/14
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

[Signature]
Signature

4/3/14
Date

J. Greg Gentry
Name (Printed or typed)
Authorized Representative of
The Premcor Refining Group Inc.

VP + General Manager
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2013-1862-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	The Premcor Refining Group Inc.
Penalty Amount:	Forty-Four Thousand Fifty-One Dollars (\$44,051)
SEP Offset Amount:	Twenty-Two Thousand Twenty-Five Dollars (\$22,025)
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Project Name:	<i>West Port Arthur Home Energy Efficiency Program - Lighthouse Program</i>
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *West Port Arthur Home Energy Efficiency Program - Lighthouse Program* Project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to hire a contractor to conduct initial inspections of eligible applicants' homes. The inspections will determine whether the home is in a condition suitable for weatherization and energy efficiency upgrades. Upgrades will not be completed at homes that need new roofs or significant foundation work. The contractor shall also determine what weatherization and energy efficiency upgrades are necessary and appropriate for the home and write a work plan. This contractor shall also conduct the final inspection of the home after the work is completed.

The Third-Party Administrator will conduct eligibility determinations to verify that participants own their homes and qualify as low-income. The Third-Party Administrator

The Premcor Refining Group Inc.
Agreed Order - Attachment A

will also prepare all contracts with contractors and homeowners; coordinate between the contractors and the homeowners to answer questions; ensure that work is done timely and properly; and arrange for any necessary repairs to new equipment under the 12-month warranty period after work is completed. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Implementation of this Project will benefit air by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and the nitrogen oxides associated with the combustion of fuel and the generation of electricity. Past energy audits have shown a 12-30% reduction in energy usages after completion of the weatherization and energy upgrades.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission
Attention: Pamela Lewis, Program Manager
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

The Premcor Refining Group Inc.
Agreed Order - Attachment A

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.